

~~REDACTED~~

PER CONFIDENTIALITY
ORDER

EXHIBIT 3

Law Offices of K.C. OKOLI, P.C.
330 Seventh Avenue, 15th Floor, New York, N.Y. 10001

1100 Raymond Boulevard
Newark, NJ 07102

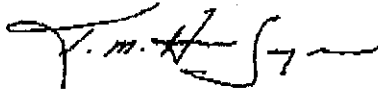


U.S. Customs and
Border Protection

APR 14 2005

PER-2-LER

CONFIDENTIAL USA



Kathleen M. Haage-Gaynor
Area Director
Newark/New York

MAR 07 2005

U.S. Customs and
Border Protection

FILE: PER-2:AD:N/NY KMHG

Interoffice Memorandum

MEMORANDUM FOR: Director, Field Operations
Field Operations New York

FROM: Area Director
Newark/New York

SUBJECT: Administrative Inquiry

Administrative Inquiry

In making this recommendation, I have considered the facts, as I understand them. I have weighed the absolute performance level against the business interests of the Area. And I have thought through the learning message that management's response to this performance failure will send to our CBP Officers.

CONFIDENTIAL USA0325

I think we need to think through the message we, as managers, want to send to the employees. On the one hand, we want to be an Agency that values our employees; on the other, we seem to develop absolutes that tell trainees "do not make a decision, send everyone to secondary and pass the decision off to someone else- because if you accept the responsibility and take action, you may make a bad decision and we are waiting to terminate you." I call this paralysis by analysis. Yes, it is their job; yes, they have responsibility to carry out their job; and yes, if an employee is a performance and disciplinary problem as a trainee we may need to evaluate whether we want to keep them. This is a single instance!

I truly believe that our goal in establishing a two-year probationary period was to give both the Agency and the employee time to evaluate the "fit". Absent the immediate "bright lights" of integrity, misuse of weapon, civil rights violation, and a failure to address the anti-terrorism mission, I think the agency is selling itself short by not taking the full twenty-four (24) months to evaluate the trainee. We routinely receive HRM notices to evaluate trainee and/or probationary employees. We should use this notice to create a Trainee file with documented performance, actions, inactions and/or lapses. My goal would be at the eighteenth or twentieth month to take that Trainee File and have a Review Board, composed of three (3) credible field managers evaluate both the Trainee (interview) and the documentation. That Board would make the final recommendation to the Area and the FONY for retention or termination. I firmly believe that this approach is consistent with the HRM strategy of continuous dialogue between manager and employee regarding performance, expectations and professional development.

Our goal is to have the punishment fit the "crime". We need to ensure that our response is both professional and defensible. Most importantly, if we are to compete with agencies to retain the best and the brightest workforce, I think we need to consider our approach to human employees.



Kathleen M. Haage-Gaynor

Attachment

CUSTOMS SERVICE
AREA DIRECTOR NEWARK/HK

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U.S. Customs and
Border Protection

FEB 24 2005

PER-1 AD:N:AR SG

Interoffice Memorandum

MEMORANDUM FOR: Area Director
Newark/ New York Seaport

FROM: Branch Chief, Training
Acting Branch Chief, Passport Control
Deputy CBP Officer, NLIA

SUBJECT:

In order to reach this conclusion we interviewed SCO Rudolph Frank, DCO Herbert Herter and in her union representative, Officer Joseph Lopez.

Interview of SCO Rudolph Frank, February 16, 2005.

CONFIDENTIAL USA0327

We were most interested in the comments that SCO Frank made aside from the facts as stated above. The following is the general thrust of his comments, though not an exact quotation.

I've seen a lot of people on this job in every instance. It bothers me, she (Gluba) is trying to do the right thing. She's trying to do the right thing! I see people all the time make short cuts. Not her.

SCO Frank knows that he had to take the action that he did, that he had to take official notice of the event. He is quite upset over the fact that this officer is in this predicament. He feels that her work ethic is at the highest level, and that he, as a supervisor, would miss her significant contribution that can only grow with her experience.

Interview of DCO Herbert Herter February 16, 2005

DCO Herbert Herter, interviewed separately, concurred with SCO Frank. According to Herter, [redacted] is an excellent worker.

"Everything I've seen is that she is a hard worker, diligent and she does excellent examinations. She knows what she has to do and takes it seriously. What

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DCO Herter also stated that he remembers her performance as a co-op cashier. In that case he personally observed her practice at that time. She worked in a cashier's booth which had the computer based cash register [REDACTED] cashier.

Herter feels that what was done was an accident, it was not done maliciously. He values the work [REDACTED] as a new officer with an excellent work ethic.

Interview of Officer [REDACTED]

Finally we interviewed [REDACTED] S. [REDACTED]

[REDACTED]'s interview was impressive on a number of levels. Though represented by Mr. Lopez, and though she was visibly upset with her situation, she was absolutely forthright and responsive in every way to our inquiry. [REDACTED] did not allow Mr. Lopez to answer any of our questions. She never made excuses for any actions she took or did not take nor did she in any way try to shed responsibility for what occurred.

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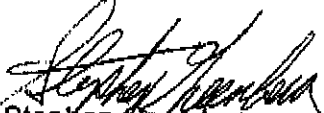

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CONFIDENTIAL USA0331

- 6 -

be honed, her habits will be improved, her achievements will multiply and her allegiance and loyalty to Customs and Border Protection will grow stronger if we give her that opportunity.


Stephen Greenberg
Joseph Cardinale
Brenda Johnson

Attachment

CONFIDENTIAL USA0332

.13:46:16

1
[REDACTED] - INCIDENT LOG
SUMMARY INFORMATION

02/17/2005 [REDACTED]

INCIDENT REPORT NUMBER: 20054601 [REDACTED] APPROVAL STATUS: APPROVED
PORT CODE:* 4601 DATE:* 01022005 TIME:* 1845
LOCATION: NEWARK
INCIDENT TYPE:* O (N=[REDACTED], P=[REDACTED], R=[REDACTED], T=[REDACTED]
V=[REDACTED], O=OTHER, S=[REDACTED], C=[REDACTED])

LASTNAME:* H [REDACTED]

FIRSTNAME:* [REDACTED]

ADDRESS: [REDACTED]

CITY: [REDACTED]

RACE:* [REDACTED] GENDER:* [REDACTED]

MI: DATE OF BIRTH:* [REDACTED]

STATE: [REDACTED] ZIP: [REDACTED]

-13:46:27:14

[REDACTED] - INCIDENT LOG

02/17/2005 [REDACTED]

REMARKS

INCIDENT REPORT NUMBER: 20054601 [REDACTED]

NAME: [REDACTED]

H [REDACTED]

PAGE

1

MORE

(PF1=[REDACTED]) (PF2=[REDACTED]) (PF3=[REDACTED]) (PF4=[REDACTED]) (PF7=[REDACTED])
(PF8=[REDACTED]) (PF16=[REDACTED])

13:46:30:50

[REDACTED] - INCIDENT LOG

02/17/2005 [REDACTED]

REMARKS - CONTINUED

INCIDENT REPORT NUMBER: 20054601 [REDACTED]

NAME: [REDACTED] H [REDACTED]

PAGE A 2

(PF1=[REDACTED]) (PF2=[REDACTED]) (PF3=[REDACTED]) (PF4=[REDACTED]) (PF7=[REDACTED])
(PF8=[REDACTED]) (PF10=[REDACTED]) (PF16=[REDACTED])

13:46:34:56

[REDACTED] - INCIDENT LOG

02/17/2005 [REDACTED]

REMARKS - CONTINUED

INCIDENT REPORT NUMBER: 20054601 [REDACTED]

PAGE 3

(PF1=[REDACTED]) (PF2=[REDACTED]) (PF3=[REDACTED]) (PF4=[REDACTED]) (PF7=[REDACTED])
(PF8=[REDACTED]) (PF10=[REDACTED]) (PF16=[REDACTED])

FEB 01 2005

U.S. Customs and
Border Protection

PER-2:LER PC

MEMORANDUM FOR: Area Director, New York/Newark

FROM: Director, Field Operations, New York

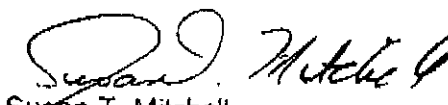
SUBJECT: Management Referral

Attached for your review is a management referral that I recently received from the Assistant Commissioner, Office of Field Operations.

[REDACTED] CBP U.S. Customs and Border Protection. This employee is a [REDACTED] up and a passenger of [REDACTED] was found reading his [REDACTED] For your information, this employee's probationary period began April 18, 2004.

If you believe that this case should be assigned to a fact finder, please advise Mel Steuerman, Supervisory Labor Relations Specialist, of your determination in writing so he can make the necessary request. If you believe your office should investigate this case, please do so and obtain the documentation, including the evidence and statements necessary to support your recommendation. Your recommendation concerning this case should be submitted to Mr. Steuerman by February 28, 2005.

Any questions regarding this matter should be directed to Beth A. Bernstein, Employee Relations Specialist, at (646) 733-3231.


Susan T. Mitchell

Attachment

CONFIDENTIAL USA0344